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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,314	03/08/2001	Kiyoshi Sato	9281/3900	5260
757	7590	12/13/2004	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			CHEN, TIANJIE	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/802,314	SATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tianjie Chen	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 November 2004.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5, 12, 13, 18 and 19 is/are rejected.
- 7) Claim(s) 6-11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 10/29/2004.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### ***Final Rejection***

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 10/29/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the listed articles B1 and B2 are considered by the examiner. There is no translation/or concise explanation with the listed "Korean Office Action;" therefore, the "Korean Office Action" is not considered.

#### ***Allowability Withdrawn***

2. The indicated allowability of claims 1-13 and 18 is withdrawn in view of the newly discovered reference(s) US 5,126,907 to Hamakawa et al listed in IDS filed on 10/29/2004. Rejections based on the newly cited reference(s) follow.

3. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/29/2004 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamakawa et al (US 5,126,907).

With regard to claim 1, Hamakawa et al shows a thin-film magnetic head in Fig.4 including: a lower core layer 110A; a recording core formed on the lower core layer and exposed at a face surface that faces a recording medium, the recording core including a structure having a gap layer 111 and an upper pole layer 1112A sequentially arranged in that order; an upper core layer 112B magnetically coupled to the upper pole layer; and a coil 105 for inducing a recording magnetic field to the lower core layer, the recording core, and the upper core layer, wherein a tip surface of the upper core layer 112B contacts the upper pole layer 112A is located at a setback distance from the face surface in a height direction, wherein the height direction is a direction generally perpendicular to the face surface, and the tip surface is an inclined surface, such that the setback distance gradually increases in a track width direction from a point the tip surface contacts the upper pole layer, wherein the track width direction is a direction generally parallel to the face surface (Fig. 4).

With regard to claim 2, Hamakawa et al further shows that the shortest setback distance from the face surface to the tip surface of the upper core layer is equal to or less than a largest length of the recording core measured from the face surface.

With regard to claim 4, Hamakawa et al shows in Fig. 4 that the upper core includes a back surface which is set back from the tip surface in the height direction, wherein the back surface is an inclined surface in which the setback distance gradually increases in the track width direction and an inclination angle  $\theta_2$  is greater than an inclination angle  $\theta_1$ , where inclination angle  $\theta_1$  is the inclined angle of the inclined surface on the back surface relative to the height direction, and angle  $\theta_2$  is

the inclined angle of an inclined surface on the tip surface of the upper core layer relative the height direction.

With regard to claim 12, Hamakawa et al further shows that the gap layer 111 is made of a non-magnetic metallic material  $\text{Al}_2\text{O}_3$  (Column 8, lines 48-50).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamakawa et al in view of Saito et al (US 6,597,543).

With regard to claim 3, Hamakawa does not specify the distance.

Saito teaches: to improve the recording capacity under high-density recording, it is preferable to decrease the gap depth D to 1.0  $\mu\text{m}$  or less (Column 1, line 66 to claim 2, line 1). One of ordinary skill in the art would have been motivated to set  $D < 1.0 \mu\text{m}$  to improve recording capacity. It can be seen from Fig. 1 that the setback distance from the face surface to the tip surface of the upper core layer L3 is equal or less than D, i. e. for high-density recording. In such constructed device, there would be: about  $0 \mu\text{m} < L3 \leq$  about  $0.8 \mu\text{m}$ .

6. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamakawa et al in view of Ohtomo et al (US 6,101,068).

With regard to claim 5, Hamakawa et al shows the inclined angles but does not specify the degrees of the angles.

Ohtomo et al further shows in Fig. 1A that the upper core includes a back surface 15c having a inclination angle  $\theta_2$  is greater than an inclination angle  $\theta_2$ , where inclination angle  $\theta_2$  is the angle of a tangent line at a midpoint between an end of the curved surface near the recording core and an end of the curved surface near an underside of the upper core layer side, and angle  $\theta_2$  is the inclination of a tangent line at a midpoint between an end of the curved surface near the magnetic core and an end of the curved surface at an upper surface of the upper core layer and the inclination angle  $\theta_2$  satisfies the relationship about  $60^\circ \leq \theta_2 < \text{about } 90^\circ$  (Column 6, line 58 to column 7, line 5).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to set the tip surface of the upper core in Hamakawa et al's device as taught by Ohtomo et al. The rationale is as follows: Ohtomo et al teaches that the structure having inclining angle  $\theta_2$  and  $\theta_2$  would decrease the variation in the film thickness  $h$  of the upper magnetic pole (core), which variation would otherwise be produced due to machining variations in the throat height  $d$ . Therefore, variation in the recording characteristics can be decreased (Column 6, lines 7-13). One of ordinary skill in the art would have been motivated to reshape the upper core to have a back surface having an inclining angle  $\theta_2$  thus decreasing variations.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al in view of Hamakawa et al as applied to claim 12 further in view of Yamanaka et al (US 6,487,041).

With regard to claim 13, Hamakawa et al does not show that the nonmagnetic metallic material is selected from the group consisting of NiP, NiPd, NiW, NiMo, Au, Pt, Rh, Pd, Ru, and Cr.

Yamanaka et al shows a thin-film magnetic head in Fig. 2 and teaches NiP can be used as an alternative of Al<sub>2</sub>O<sub>3</sub> for making the gap layer.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to include NiP as an alternative for the gap. The rationale is as follows: Hamakawa et al shows that the gap layer is a non-magnetic layer and Al<sub>2</sub>O<sub>3</sub> is only an example (Column 7, lines 37-38). Yamanaka et al shows NiP is non-magnetic material for gap layer. One of ordinary skill in the art would have been motivated to include NiP as an alternative for the gap in order to have more flexibility in manufacturing.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al in view of Hamakawa et al as applied to claim 1, further in view of Sasaki (US 6,317,288).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamakawa et al in view of Sasaki (US 6,317,288).

With regard to claims 18 and 19, Saito et al and Ohtomo et al show a thin-film magnetic head as described above, but fails to show a second coil layer overlaying the coil layer and separated therefrom by an insulating layer.

Sasaki shows a thin-film magnetic head in Fig. 12A, wherein a second coil layer overlaying the coil layer and separated therefrom by an insulating layer.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add the second coil layer taught by Sasaki into Saito et al's device. The rationale is as follows: Sasaki teaches that yoke length can be made shorter with two-layered coil than one-layered coil so that most of recording head for high frequency employ the two-layered coil (Column 5, lines 14-16). One of ordinary skill in the art would have been motivated by Sasaki's teaching to add the second coil layer for being used for high frequency.

#### ***Allowable Subject Matter***

7. Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claim 6, Hamakawa et al (US 5,126,907) shows a thin-film magnetic head including: a lower core layer; a recording core formed on the lower core layer, the recording core including a structure having a gap layer and an upper pole layer sequentially arranged in that order; **but fails to show** that a tip surface of the upper core layer includes a curved surface which gradually recedes in the height direction and which recedes toward side surfaces of the tip surface, wherein the side surfaces are displaced apart from one another in the track width direction.
- With regard to claim 8, Hamakawa et al (US 5,126,907) shows a thin-film magnetic head including: a lower core layer; a recording core formed on the

lower core layer, the recording core including a structure having a gap layer and an upper pole layer sequentially arranged in that order; **but fails to show** that the upper core layer includes, a front region which extends from the tip surface in the height direction and has a uniform width in the track width direction.

- With regard to claim 9, Hamakawa et al (US 5,126,907) shows a thin-film magnetic head including: a lower core layer; a recording core formed on the lower core layer, the recording core including a structure having a gap layer and an upper pole layer sequentially arranged in that order; **but fails to show** that the upper core layer further includes an edge surface in contact with the upper pole layer, and wherein, at the edge surface, the width of the upper core layer in the track width direction is greater than the width of the upper pole layer in the track width direction.
- With regard to claim 10, Hamakawa et al (US 5,126,907) shows a thin-film magnetic head including: a lower core layer; a recording core formed on the lower core layer, the recording core including a structure having a gap layer and an upper pole layer sequentially arranged in that order; **but fails to show** that the recording core includes a front region in 141, which extends from the face surface in the height direction and has a uniform width in the track width direction; and a back region in 141, which extends from the front region in the height direction and in which a width of the back region in the track width direction gradually increases in the height direction.
- Applicant asserts this invention provides a magnetic head in which side fringing can be appropriately suppressed and which can be fabricated with a high degree of consistency (Specification, p. 4, lines 1-3).

**Conclusion**

8. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/29/2004 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Chen Ting*  
TIANJIE CHEN  
PRIMARY EXAMINER

12/10/2004